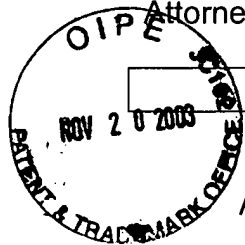


**DECLARATION FOR UTILITY PATENT APPLICATION**



As a below named inventor, I hereby declare that:

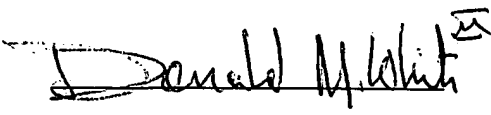
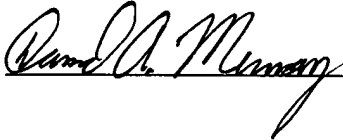
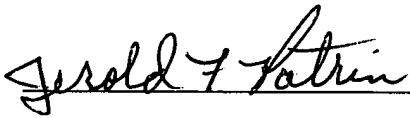
My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TWO STAGE SNOWTHROWER WITH IMPELLER HOUSING BYPASS, the specification of which was filed June 20, 2003 as Serial Number 10/601,313.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, 1.56(a).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

<p>Full Name of Sole or First Joint Inventor</p> <p>Donald M. White, III</p> <p>Residence Chanhassen, Minnesota</p> <p>Post Office Address 8028 Dakota Avenue, Chanhassen, MN 55317</p>	<p>Signature</p> <p></p>	<p>Date</p> <p>11/13/03</p> <p>Citizenship U.S.A.</p>
<p>Full Name of Second Joint Inventor, If Any</p> <p>David A. Murray</p> <p>Residence Eagan, Minnesota</p> <p>Post Office Address 608 McFadden's Trail, Eagan, MN 55123</p>	<p>Signature</p> <p></p>	<p>Date</p> <p>11/13/03</p> <p>Citizenship U.S.A.</p>
<p>Full Name of Third Joint Inventor, If Any</p> <p>Jerold F. Patrin</p> <p>Residence Marine on St. Croix, Minnesota</p> <p>Post Office Address 15101 Riverside Avenue North, Marine on St. Croix, MN 55047</p>	<p>Signature</p> <p></p>	<p>Date</p> <p>11/13/03</p> <p>Citizenship U.S.A.</p>
<p>Full Name of Fourth Joint Inventor, If Any</p>  <p>Residence</p> <p>Post Office Address</p>	<p>Signature</p> <p>_____</p>	<p>Date</p> <p>Citizenship</p>



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 26.2.601/USA

In re Application of: )  
 )  
Donald M. White, III et al. )  
 )  
Serial No. 10/601,313 )  
 )  
Filed 06/20/2003 ) Group Art Unit 3671  
 )  
For TWO STAGE SNOWTHROWER ) Examiner  
WITH IMPELLER HOUSING )  
BYPASS )

**ESTABLISHMENT OF ASSIGNEE'S RIGHTS UNDER 37 C.F.R. § 3.73**  
**AND POWER OF ATTORNEY FROM ASSIGNEE**

The Honorable Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Toro Company is the assignee of the entire right, title, and interest in and to the above-identified invention, and in and to the above-identified U.S. patent application relating thereto, by virtue of an Assignment from the original inventors.

Pursuant to 37 C.F.R. §3.73, The Toro Company has the right to prosecute the above-identified application by virtue of this Assignment. A copy of this Assignment is attached. The original Assignment is being concurrently forwarded to the U.S. Patent and Trademark Office for recording. The Toro Company hereby states that its representatives have reviewed the Assignment and hereby further certifies that, to the best of its knowledge and belief, title to the above-identified patent application is in The Toro Company.

In furtherance of its right under 37 C.F.R. §371 to prosecute the above-identified patent application to the exclusion of the original inventors, The Toro Company hereby appoints the following as its attorneys or agents to transact all

business in the Patent and Trademark Office concerning the above-identified U.S. patent application:

James W. Miller, Registration No. 27,661;  
R. Lawrence Buckley, Registration No. 30,732;  
Donald S. Trevarthen, Registration No. 35,718; and  
Douglas R. Hanscom, Registration No. 26,600.

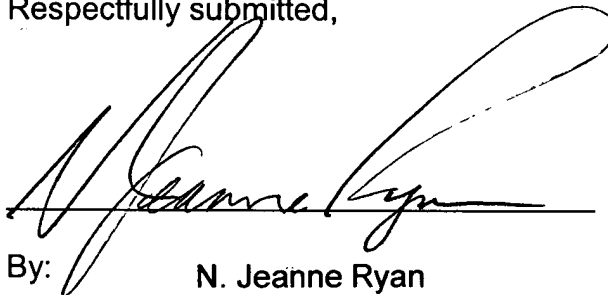
Please direct all future correspondence concerning these proceedings to:

James W. Miller, Esq.  
Attorney at Law  
Suite 1005  
Foshay Tower  
821 Marquette Avenue  
Minneapolis, MN 55402

Telephone (612) 338-5915  
Fax (612) 338-5989

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "N. Jeanne Ryan", is written over a horizontal line.

By: N. Jeanne Ryan  
Title: Assistant Secretary

November 13, 2003

\_\_\_\_\_  
Date

<b>ASSIGNMENT</b>
-------------------

WHEREAS, We, Donald M. White, III, David A. Murray and Jerold F. Patrin, residing or having a mailing address at 8028 Dakota Avenue, Chanhassen, MN 55317, 608 McFadden's Trail, Eagan, MN 55123, and 15101 Riverside Avenue North, Marine on St. Croix, MN 55047, respectively, have made certain new and useful inventions and improvements for which we executed an application for Letters Patent of the United States which is entitled TWO STAGE SNOWTHROWER WITH IMPELLER HOUSING BYPASS, the specification of which was filed June 20, 2003 as Serial Number 10/601,313;

AND, WHEREAS, The Toro Company, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and having an office and place of business at 8111 Lyndale Avenue South, Bloomington, Minnesota is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and applications and in and to the Letters Patent to be obtained therefor;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold, assigned and transferred, and by these presents do sell, assign and transfer unto said The Toro Company, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to said application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and

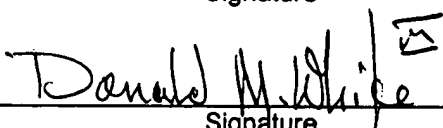

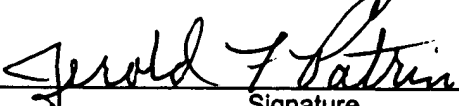
WE do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to said The Toro Company as the assignee of the entire right, title and interest in and to the same, for the use of said The Toro Company, its successors or assigns.

AND, for the consideration aforesaid, we do hereby agree that we, or our executors or legal representatives, will make, execute and deliver any and all other instruments in writing relating to said inventions and improvements including any and all further application papers, affidavits, assignments and other documents, and will communicate to said The Toro Company, its representatives, successors or assigns, any and all facts known to us relating to said inventions and improvements and the history thereof, and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said The Toro Company, its successors or assigns the entire right, title and interest in and to the improvements, inventions,

applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, FURTHERMORE, we covenant and agree with said The Toro Company, its successors or assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us, and that the full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, we have hereunto set our hands, as of the date written below adjacent our signatures.

Full Name of First Inventor	Signature	Date
Donald M. White, III		11-13-03
Full Name of Second Joint Inventor, If Any	Signature	Date
David A. Murray		11-13-03
Full Name of Third Joint Inventor, If Any	Signature	Date
Jerold F. Patrin		11/13/03
Full Name of Fourth Joint Inventor, If Any	Signature	Date
Full Name of Fifth Joint Inventor, If Any	Signature	Date

STATE OF Minnesota )  
COUNTY OF Hennepin )

On this 13<sup>th</sup> day of NOVEMBER, 2003, before me personally appeared Donald M. White, III, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

Notary Public

Marguerite M. Gerold



STATE OF Minnesota )  
COUNTY OF Hennepin )

On this 13<sup>th</sup> day of November , 2003, before me personally appeared David A. Murray, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

Notary Public

Marguerite M. Gerold



STATE OF Minnesota )  
COUNTY OF Hennepin )

On this 13<sup>th</sup> day of November , 2003, before me personally appeared Jerold F. Patrin, to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes therein set forth.

Notary Public

Marguerite M. Gerold

